

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

| | |
|---------------------------------|--|
| In the Consolidated Matters of: | |
| PARENT ON BEHALF OF STUDENT, | OAH CASE NO. 2015020710 |
| v. | |
| WHITTIER CITY SCHOOL DISTRICT, | |
| WHITTIER CITY SCHOOL DISTRICT, | OAH CASE NO. 2015030328 |
| v. | |
| PARENT ON BEHALF OF STUDENT. | ORDER DENYING JOINT REQUEST FOR CONTINUANCE |

On April 17, 2015, the parties filed a joint request to continue the dates in this matter due to a calendar conflict on the part of Student and his attorney.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Denied. All prehearing conference and hearing dates are confirmed and shall proceed as calendared. The sole ground given for the extension request is a calendar conflict for student and his attorney. No supporting declaration was filed with the request. The nature of the conflict is not disclosed, nor is it set forth whether the conflicted date or dates applies to the prehearing conference, the hearing dates, or all set dates. Similarly, it is not disclosed whether counsel, Student, Parents, or all of them are unavailable. A prior continuance was granted when this matter was previously consolidated with matter 2014100174. The Joint Request is denied without prejudice. A renewed Joint Request may be filed, and if so it shall be accompanied by a declaration setting out the nature of the conflict, the parties affected, the priority of the other event, and measures undertaken to prevent or relieve the conflict with this matter.

IT IS SO ORDERED.

DATE: April 17, 2015

/s/

CHRIS BUTCHKO

Administrative Law Judge

Office of Administrative Hearings